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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/246,271	02/08/1999	YOERI APTS	450117-4840	5970

20999 7590 04/23/2003

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EXAMINER

HO, THE T

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 04/23/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/246,271	APTS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	The Thanh Ho	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is in response to the amendment filed 3/7/2003.
2. Claims 1-22 have been examined and are pending in the application.

#### ***Claim Rejections - 35 USC § 112***

3. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicant recites "Method according to claim 3", which is an inappropriate dependent because claim 3 has been canceled. For the purpose of art rejection, it is interpreted as "Method according to claim 1" as best understood and as it appears to be.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 5-12, 15-18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwaderer U.S Patent No. 6,393,496 in view of Tanenbaum (Network Architecture, 1992 publication).

As to claim 1, Schwaderer discloses communication (Fig. 3) between an application program (32, Fig. 3) and a network device driver program (34, Fig. 3) through intermediate structure software (20, and 38, Fig. 3); supplying of application data units (sends the data, lines 20-21 column 8) from the application program (application program, line 20 column 8) to a first program object (20, Fig. 3); performing of first functions (52, Fig. 3) of the first program object on the application data units; supplying of resulting first data units from the first program object (arrow going from 52 to 38, Fig. 3) to a second program object (38, Fig. 3); performing of second functions (reads, and translates, lines 22-27 column 8) of the second program object on the first data units; supplying of the resulting second data units (is sent, line 27 column 8) to the network device driver program (34, Fig. 3); the memory locations of the data units are the same (lines 19-30 column 4). However, Schwaderer does not disclose passing references and memory locations of the data units.

Tanenbaum teaches passing references (passes, line 1 last paragraph page 21) pointing to memory locations; the memory locations of the data units are the same (last paragraph page 21 to second complete paragraph page 22). It would have been obvious to apply the teachings of Tanenbaum to the system of Schwaderer because this provides easy management to all network design (last two paragraphs of page 12) and simplifying the way of sending information because only the control information (SDU) is sending between layers as disclosed by Tanenbaum (last paragraph page 21 to second complete paragraph page 22).

As to claim 2, Schwaderer as modified further discloses data units are supplied over interconnecting queue-objects (functionality and corresponding modules, lines 47-56 column 9).

As to claim 5, Schwaderer as modified further discloses adding program objects during run time (lines 28-46 column 9).

As to claim 6, Schwaderer as modified further discloses removing program objects during run time (lines 47-64 column 9).

As to claim 7, Schwaderer as modified further discloses after performing of functions of a program object and supplying data units to a further program object, additional functions (50, Fig. 3) of the program object (20, Fig. 3) are performed.

As to claim 8, Schwaderer as modified further discloses adding information (encapsulating the data with the proper headers and trailers, lines 25-26 column 8) to data units.

As to claim 9, Tanenbaum further teaches data unit is breaking up into smaller units and then these units later are joining back together (last complete paragraph of page 11 to complete page 12).

As to claim 10, Tanenbaum further teaches service data units containing one or more data units (SDU Service Data Unit, line 4 last paragraph page 21).

As to claim 11, Schwaderer as modified further discloses referencing data units with a reference (creates new path ID which references same path, lines 46-47 column 8) to the service data unit.

As to claim 12, Schwaderer as modified further discloses a specialized execution environment for communication (45, and 47, Fig. 3) between the application program (32, Fig. 3) and the network device driver program (12, Fig. 3).

As to the system of claim 15, note the discussion of the method of claim 1.

As to claim 16, Schwaderer as modified further discloses service data units are stored in a memory part using references (lines 46-47 column 8).

As to claim 17, Tanenbaum further teaches a SDU manager (IDU, line 3 last paragraph page 21).

As to the method of claim 18, it is the reverse mode of the method of claim 1. Schwaderer as modified teaches his method can be performed in reverse manner through the read (50, Fig. 3) data (lines 28-30 column 8).

As to claim 20, Tanenbaum further teaches the data units are stored in non-contiguous portions of memory (last paragraph page 21 to line 3 page 22).

As to claim 21, Schwaderer as modified further discloses the specialized execution environment forms network protocol layers (OSI, line 34 column 10) and the program objects are in respective network protocol layers (lines 30-39 column 10).

As to claim 22, note the discussion of claim 1 above. Tanenbaum further teaches creating a service data unit (SDU, line 4 last paragraph page 21) with a size value and an offset value for each application data unit (second paragraph page 22).

5. Claims 4, 13, and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Schwaderer in view of Tanenbaum, and further in view of Jardine U.S Patent No. 5,619,647.

As to claim 4, Schwaderer as modified does not disclose queue-objects priorities. Fishler teaches a scheme where queue are provided with different priorities (line 59 column 8 to line 4 column 9). It would have been obvious to apply the teachings of Jardine to the system of Schwaderer because this provides vital importance to computer systems such as quick sending and receiving messages as disclosed by Jardine (lines 12-23 column 2).

As to claim 13, Jardine further discloses data units are organized in data unit pools (queued messages sent on channels 2 and 3, lines 39-40 column 7) adapted to the specific use thereof (lines 29-43 column 7).

As to claim 19, Jardine further discloses within a queue-object two or more priorities for passing of data units are provided (lines 3-43 column 7).

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwaderer in view of Tanenbaum, and further in view of Phillips U.S Patent No. 6,289,393.

As to claim 14, Schwaderer does not disclose a naming service. Phillips discloses a naming service for mapping between names and object references (lines 47-62 column 8). It would have been obvious to apply the teachings of Phillips to the system of Schwaderer because this would provide appropriate destination for the objects.

***Response to Arguments***

7. Applicant's arguments filed have been fully considered.

The Fishler reference has been withdrawn from the claim rejections. All arguments regarding Fisher reference as well as claims 3 and 20 of the previous rejections are moot in view of the new cited reference.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to The Thanh Ho whose telephone number is 703-306-5540. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C 20231

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 746 – 7238
- OFFICAL faxes must be signed and sent to (703) 746 – 7239
- NON OFFICAL faxes should not be signed, please send to (703) 746 – 7240



Application/Control Number: 09/246,271  
Art Unit: 2126

Page 8

TTH  
April 18, 2003

A handwritten signature in black ink, appearing to read "St. John Courtenay III", written in a cursive style.

ST. JOHN COURTENAY III  
PRIMARY EXAMINER